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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

CENTER FOR BIOLOGICAL  
 DIVERSITY, *et al.*,

Plaintiffs,

v.

U.S. FISH AND WILDLIFE SERVICE, *et al.*,

Defendants.

No. C 09-0170 JSW

**STIPULATED MOTION TO  
 TRANSFER VENUE PURSUANT TO 28  
 U.S.C. § 1404(a)**

Subject to the Court's approval, the parties hereby respectfully move and submit the following stipulation pursuant to Civ. L.R. 7-12:

1           1.       Plaintiffs filed this Endangered Species Act (“ESA”) lawsuit on January 14, 2009 and  
2 perfected service of process upon the United States Attorney for the Northern District of California  
3 on January 22, 2009.

4           2.       This matter is a challenge to a final rule designating revised critical habitat for the  
5 Peirson’s milk-vetch, a plant listed as “threatened” under the ESA. *See* Revised Designation of  
6 Critical Habitat for *Astragalus magdalenae* var. *peirsonii* (Peirson’s milk-vetch), 73 Fed. Reg. 8,748  
7 (Feb. 14, 2008) (“Final Rule”).

8           3.       On December 10, 2008, another challenge to the same Final Rule was filed against  
9 Defendants in the United States District Court for the Southern District of California. *See*  
10 *Maddalena v. U.S. Fish and Wildlife Serv.*, Civ. No. 08-2292 (S.D. Cal., filed Dec. 10, 2008) (Ex.  
11 A to Defs.’ Mot. To Transfer (Docket Entry #7)).

12           4.       On February 3, 2009, Defendants moved this court to transfer this action to the  
13 Southern District of California. *See* Defs.’ Mot. To Transfer (Docket Entry #7).

14           5.       On February 11, 2009, Defendants withdrew that motion, to facilitate the filing of  
15 this joint stipulated transfer motion. *See* Defs.’ Notice of Withdrawal (Docket Entry #9).

16           6.       The parties agree that venue for this action is proper in the Southern District of  
17 California and that this action might have been brought there. *See* 28 U.S.C. § 1391(e)(2).

18           7.       The parties agree that transfer to the Southern District of California is in the interest  
19 of justice, would promote efficiency for the parties and the Courts, and would avoid potentially  
20 conflicting rulings. *See* 28 U.S.C. § 1404.

21           8.       In the event that this Court does not grant this stipulated motion to transfer this case  
22 to the United States District Court for the Southern District of California, defendants will re-file their  
23 Motion to Transfer Venue (Docket Entry #7).

24           WHEREFORE, the parties pray that this Court grant the Stipulated Motion to Transfer, and  
25 thereby transfer this matter to the United States District Court for the Southern District of California.  
26  
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Dated: March 4, 2009

Respectfully Submitted,

JOHN C. CRUDEN, Acting Assistant Attorney General  
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/s/ Ethan Carson Eddy  
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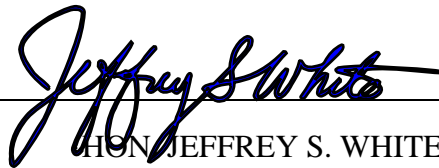
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Attorneys for Plaintiffs

1 It is therefore ORDERED that the parties' stipulated motion to transfer venue shall be  
2 GRANTED. It is further ORDERED that this matter shall be transferred to the Southern District  
3 of California.

4 PURSUANT TO STIPULATION, IT IS SO ORDERED this 5<sup>th</sup> day of  
5  
6 March, 2009.

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12 HON. JEFFREY S. WHITE

13 UNITED STATES DISTRICT JUDGE  
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